



PUBLIC NOTICE

Federal Communications Commission
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DA 04-999

Release Date: April 12, 2004

PARTIES ARE INVITED TO UPDATE THE RECORD PERTAINING TO PENDING PETITIONS FOR ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATIONS

CC Docket No. 96-45

Supplemental Petition Due Date: 21 days from publication in the Federal Register

Comment Date: 35 days from publication in the Federal Register

Reply Comment Date: 42 days from publication in the Federal Register

Interested parties are invited to update the record pertaining to pending petitions for designation as eligible telecommunications carriers (ETCs) filed pursuant to section 214(e)(6) of the Communications Act of 1934, as amended (the Act).¹ On January 22, 2004, the Commission released the *Virginia Cellular Order*, which granted in part and denied in part, the petition of Virginia Cellular, LLC to be designated as an ETC throughout its licensed service area in the Commonwealth of Virginia.² In that Order, the Commission utilized a new public interest analysis for ETC designations and imposed ongoing conditions and reporting requirements on Virginia Cellular.³ The Commission further stated that the framework enunciated in the *Virginia Cellular Order* would apply to all ETC designations for rural areas pending further action by the Commission.⁴

Following the framework established in the *Virginia Cellular Order*, on April 12, 2004, the Commission released the *Highland Cellular Order*, which granted in part and denied in part the petition of Highland Cellular, Inc. to be designated as an ETC in portions of its licensed

¹ 47 U.S.C. § 214(e)(6).

² See *Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338 (rel. Jan. 22, 2004) (*Virginia Cellular Order*).

³ See *Virginia Cellular Order*, at paras. 4, 27, 28, 46.

⁴ See *Virginia Cellular Order*, at para. 4.

service area in the Commonwealth of Virginia.⁵ In the *Highland Cellular Order*, the Commission concluded, among other things, that a telephone company in a rural study area may not be designated as a competitive ETC below the wire center level.⁶

In light of the new standards and requirements set forth in the *Virginia Cellular Order* and the *Highland Cellular Order*, parties seeking ETC designation may wish to supplement previously filed pending ETC petitions, petitions for redefinition of service areas, and applications for review related to ETC designations. For this reason, parties that have pending petitions for ETC designation and petitions concerning related proceedings are asked to supplement their petitions with any new information or arguments they believe relevant. If applicable, parties should also demonstrate how they satisfy the Commission's requirements with regard to non-rural areas in which they seek ETC designation, as well as how they satisfy the Commission's requirements with regard to rural areas in which they seek ETC designation. The refreshed record will facilitate appropriate consideration of pending ETC petitions and related proceedings in light of the *Virginia Cellular* and *Highland Cellular Orders*. A list of currently pending ETC petitions and related proceedings are set forth in the attached appendix.⁷

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419; parties may supplement their petitions and applications no later than **21 days after publication of this Public Notice in the Federal Register**. This initial round is solely for the purpose of allowing parties to supplement their own petitions and applications. Comments and reply comments, which may be filed by all interested parties, are due no later than **35 days and 42 days after publication of this Public Notice in the Federal Register**, respectively. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁸ Parties should clearly specify in the caption of all filings the petition(s) and application(s) to which their filing relates.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-

⁵ See *Federal-State Joint Board on Universal Service, Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 04-37 (rel. April 12, 2004) (*Highland Cellular Order*).

⁶ See *Highland Cellular Order*, FCC 04-37, at para. 33.

⁷ The Appendix excludes petitions in which the petitioner has already supplemented the record. Comment on those supplemented petitions has been sought in a separate public notice released today. See *Parties Are Invited to Comment on Supplemented Petitions for Eligible Telecommunications Carrier Designations*, CC Docket No. 96-45, Public Notice, DA 04-998 (rel. April 12, 2004).

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

APPENDIX

ETC Petitions	Date Filed
Smith Bagley, Inc. (Navajo Reservation, UT)	5/24/02
Louisiana Unwired, LLC (AL)	1/29/03
ALLTEL Communications, Inc. (AL)*	4/14/03
ALLTEL Communications, Inc. (VA)*	4/14/03
Corr Wireless Communications, LLC (AL)	5/13/03
ALLTEL Communications, Inc. (GA)*	8/26/03
ALLTEL Communications, Inc. (NC)*	8/26/03
Sprint Corporation (VA)	8/29/03
Sprint Corporation (NY)	9/2/03
Sprint Corporation (TN)	9/3/03
Sprint Corporation (PA)	9/4/03
Sprint Corporation (AL)	9/5/03
Sprint Corporation (GA)	9/8/03
Public Service Cellular, Inc. (AL)	9/12/03
Public Service Cellular, Inc. (GA)	9/24/03
Sprint Corporation (FL)	10/10/03
Sprint Corporation (NC)	11/5/03
Virginia PCS Alliance, L.C. and Richmond 20 MHz, LLC d/b/a NTELOS (VA)	11/17/03
ALLTEL Communications, Inc. (FL)*	11/20/03
AT&T Wireless Services, Inc. (AL)	1/5/04

Petitions for Redefinition of Service Areas	Date Filed
Public Utilities Commission of Colorado (Delta County Tele-Comm, Inc. Service Area in CO)	8/12/02
Public Utilities Commission of Colorado (redefinition of Wiggins Telephone Association Service Area in CO)	5/30/03
RCC Minnesota, Inc. (ME)	6/24/03
Minnesota Public Utilities Commission (MN)	8/7/03
ALLTEL Communications, Inc. (WI)	11/21/03
ALLTEL Communications, Inc. (MI)	12/17/03

Pending Applications for Review or Petitions for Reconsideration	Date Filed
CenturyTel of Eagle, Inc. Application for Review, or Alternatively, Petition for Reconsideration of the Commission's Approval of the Redefinition of the Service Area of CenturyTel, Inc. Pursuant to 47 C.F.R. § 54.207 (CO)	12/17/02

* This Public Notice only applies to ALLTEL's pending petitions with respect to ETC designations in areas served by rural carriers. ALLTEL previously bifurcated its pending ETC petitions into separate requests for ETC designation in non-rural and rural service areas. See Letter from Cheryl A. Tritt, Counsel for ALLTEL Communications, Inc. to Marlene H. Dortch, FCC, filed Nov. 10, 2003; Application of ALLTEL Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Florida, filed Nov. 20, 2003.

Alabama Rural Local Exchange Carriers Application for Review of the Commission's Decision to Designate RCC Holdings, Inc. as an ETC Throughout its Licensed Service Area (AL)	12/23/02
Alabama Rural Local Exchange Carriers Application for Review of the Commission's Decision to Designate Cellular South License, Inc. as an ETC Throughout its Licensed Service Area (AL)	12/30/02